

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

RUSSELL A. LENTZ,

Petitioner

-vs-

COUNTY OF CUMBERLAND and
PENNSYLVANIA ATTORNEY GENERAL,

Respondents

NO. 3:CV-05-1587

(Judge Kosik)

ORDER

The petitioner, Russell A. Lentz, an inmate currently confined at the Cumberland County Prison, Pennsylvania, filed this habeas corpus petition pursuant to 28 U.S.C. §2254 on August 8, 2005. He seeks to proceed *in forma pauperis* in this matter. Named as respondents are the County of Cumberland and the Attorney General of Pennsylvania.

AND NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

1. The petitioner's motion to proceed *in forma pauperis* is granted;
2. The Clerk of Court is directed to serve a copy of the petition and this order by certified mail on the Attorney General of the Commonwealth of Pennsylvania and the District Attorney of Cumberland County.
3. Within twenty (20) days of the date of this order, Respondents shall answer the allegations in the petition for writ of habeas corpus. Consistent with Rule 5 of the Rules Governing § 2254 Cases in the United States Courts, the answer shall:
 - (a) state whether the Petitioner has exhausted state remedies available under state law with respect to each claim presented, including any post-conviction remedies;
 - (b) be accompanied by those portions of any transcripts the Respondents deem relevant to disposing of the claims raised in the petition;

- (c) indicate what other proceedings that might be relevant to the petition have been recorded but have not yet been transcribed;
- (d) be accompanied by copies of any of the Petitioner's briefs on appeal, either from the judgment of conviction or from an adverse decision in a post-conviction proceeding; copies of any opinions of the appellate courts in those proceedings; and any PCRA petitions.

4. Respondents shall file a memorandum of law with the answer. The memorandum shall set forth the relevant facts and procedural history of the case, a recommended disposition of the petition, and citations to pertinent case law.

5. Petitioner shall, if he so desires file a reply brief within fifteen (15) days of receipt of the Respondents filings.

6. A determination whether the Petitioner should be produced for a hearing will be held in abeyance pending the filing of Respondents' answer and memorandum of law, and, if any, the Petitioner's reply.

s/Edwin M. Kosik
United States District Judge

Dated: October 3, 2005